

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRACEY LIU and ANGELA NEFF,

Plaintiffs,

v.

LASERAWAY MEDICAL GROUP, INC.

Defendant.

No. 2:24-cv-759 RSM

STIPULATED MOTION AND
ORDER TO STAY

STIPULATED MOTION AND
ORDER TO STAY – 1
(No. 2:24-cv-759)

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I. STIPULATED MOTION

1. Plaintiffs Tracey Liu and Angela Neff filed a complaint in King County Superior Court on April 25, 2024. On May 3, 2024, Defendant LaserAway was served with a copy of the complaint and on May 31, 2024, LaserAway removed the case to this court.

2. In the complaint, Plaintiffs allege LaserAway violated the Washington Commercial Electronic Mail Act (CEMA), RCW 19.190 *et seq.*, and Washington Consumer Protection Act, RCW 19.86 *et seq.*, by sending emails with subject lines that are allegedly false or misleading.

3. On November 29, 2023, this Court entered an order in the case of *Brown v. Old Navy*, Case No. 2:23-cv-00781-JHC, certifying the following question to the Washington Supreme Court:

Does RCW 19.190.020(1)(b) prohibit the transmission of a commercial email with a subject line containing *any* false or misleading information, or is the prohibition limited to subject lines containing false or misleading information *about the commercial nature of the email message*?

See **Exhibit A** at 3 (emphasis in original).

4. The Washington Supreme Court accepted the certified question in *Brown v. Old Navy* (Wash. Supreme Court, Case No. 102592-1), and the case has been fully briefed before that Court. The case has not yet been scheduled for oral argument.

5. To preserve the parties' resources and in the interests of judicial economy, the parties jointly request that the Court stay this case until the Washington Supreme Court issues its decision in *Brown v. Old Navy*. The parties will submit a status report, which will address briefing schedule considerations, within one week after the Washington Supreme Court issues its decision in *Brown v. Old Navy*.

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STIPULATED TO AND DATED THIS 6th day of June, 2024.

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IT IS SO ORDERED.

DATED this 7th day of June, 2024.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE